



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

FRED MORGAN,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Civil Action No. 7:05-cv-00224

ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petitioner's motion for relief from judgment (Dkt. #15) is hereby **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. §2255, and **DISMISSED** as successive, and petitioner's motion for downward departure (Dkt. #16) is hereby **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 31st day of January, 2006.

[Signature: James C. Turk]

Senior United States District Judge